

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARL BENNETT,

Plaintiff,

Case No. 15-cv-14465
Hon. Matthew F. Leitman

v.

MICHIGAN DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

**ORDER (1) GRANTING IN PART AND DENYING WITHOUT
PREJUDICE IN PART DEFENDANT WASHINGTON'S MOTION FOR
PROTECTIVE ORDER (ECF No. 183) AND (2) DETERMINING TO HOLD
BENCH TRIAL ON DEFENDANTS' FAILURE TO EXHAUST
ADMINISTRATIVE REMEDIES DEFENSE**

Now before the Court is Defendant Heidi Washington's Motion for Protective Order (ECF No. 183). The Court held a video hearing on the motion on May 17, 2021. For the reasons explained on the record during the hearing, the motion is **GRANTED IN PART** to the extent that it seeks to preclude Plaintiff from deposing Washington at this time, and the motion is **DENIED WITHOUT PREJUDICE IN PART** to the extent that it seeks to preclude Plaintiff from ever deposing Washington. As explained on the record, Plaintiff shall serve Washington with not more than twenty written interrogatories by June 2, 2021. Washington shall serve answers to the interrogatories by July 12, 2021. If Plaintiff is dissatisfied with

Washington's answers, Plaintiff's counsel shall meet and confer with Washington's counsel by not later than July 26, 2021, in an effort to resolve Plaintiff's concerns with the answers. If that meet and confer is unsuccessful, Plaintiff's counsel shall so inform the Court, and the Court will hold another video status conference to address Plaintiff's concerns with the answers and to entertain a possible request by Plaintiff to conduct an oral deposition of Washington.

In addition, for the reasons stated on the record on May 17, 2021, the Court has determined that it will hold a bench trial to resolve any factual disputes underlying Defendants' failure to exhaust administrative remedies defense. If any party objects to the Court holding the bench trial by video over the Zoom platform, then by May 24, 2021, that party shall file a written notice of objection on the Court's docket stating the objection, the basis for the objection, and any legal authority supporting the objection.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: May 17, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 17, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764